

# IN THE NEWS

News for LTC Professionals  
in 100 Words-or-Less

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## THEY SAID IT:

***"Much like health care facilities across the nation, they are struggling to meet their clinical staffing needs"***

WVA Audit Manager Mike Jones on why state is considering privatizing its state-owned SNFs

***"Medicare Advantage insurers collectively avoided \$10 billion in medical costs incurred by the dropouts during that period. If those beneficiaries had stayed in their plans, the government would have paid the insurers about \$3.5 billion in premiums, meaning the companies netted more than \$6 billion in savings"*** from a Wall Street Journal report on MA plans dumping seniors in their final year of life

***"As employers, we have always acted in good faith and had our employees' best interests in mind to ensure their success and seamless transition into our communities"*** statement from CommuniCare in response to an NLRB complaint that the company coerced immigrant workers into staying with the company

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## **Parkinson Didn't 'Let the Grass Grow'**

Mark Parkinson retired as CEO of AHCA/NCAL a month ago. He has so far joined the boards of directors of two LTC organizations and has now published a book – *"Long Term Care Success: How Senior Care Communities Thrive Clinically and Financially."*

Parkinson is a co-author with David Gifford, MD, MPH, chief medical officer at AHCA/NCAL, and Rae Anne Davis, AHCA/NCAL's chief strategic officer and senior vice president for administration.

The publication is available for purchase for \$39.95 exclusively at the AHCA/NCAL Publications online portal.

McKnight's, 11/14/2024

## **Cost Cutting Up Front In New Administration**

Some Republicans have pushed for across-the-board spending reductions that would drive down healthcare spending.

Although some companies can rely on insurance companies and private pay, skilled nursing providers are almost predominantly dependent on Medicare and Medicaid payments.

Trump has proposed that his confidant Elon Musk join his cabinet as secretary of a new department - Department of Government Efficiency ("DOGE") alongside investor and former Republican primary candidate Vivek Ramaswamy. Musk has said he wants to eliminate \$2 trillion from the federal budget.

Providers are hopeful no Musk proposals emerge that would damage Medicaid and Medicare.

Forbes 11/06/2024

## **Trump Picks RFK, Jr. As HHR Secretary**

President-elect Trump will nominate vaccine skeptic and conspiracy theorist Robert F. Kennedy Jr. as secretary of the Health and Human Services Department.

If the Senate approves Kennedy, the former independent presidential candidate will lead a sprawling department responsible for the huge Medicare and Medicaid health coverage programs, the Food and Drug Administration, the National Institutes of Health, and the Centers for Disease Control and Prevention.

Trump said in October that if elected he would let Kennedy "go wild on health."

Stock prices of vaccine makers fell earlier Thursday on reports that Trump would tap Kennedy for the HHS post.

CNBC News, 11/14/2024

## **MA Plans Dump the Sickest in Their Final Year**

A *Wall Street Journal* analysis has found that private Medicare Advantage plans often shed their sickest patients in the final year of life, shifting the most

expensive portion of their care back to the government.

Patients in their last year of life, when expensive care is more common, left MA plans at double the rate of other enrollees – 300,075 seniors between 2026 and 2022.

WSJ also revealed that management tools employed by the plans, including the extensive use of prior authorizations and denials force patients to leave certain care settings before their clinicians say they're ready.

Wall Street Journal, 11/12/2024

## **Failed to Give HIV Meds for 3 Weeks, Documented It Did**

When Virginia state surveyors visited Westport Rehabilitation and Nursing Center in the Richmond area, they substantiated a complaint but found other deficiencies.

In the most serious, Westport failed to provide a resident medication to treat advanced HIV for three weeks, resulting in "significant medication errors."

The medication was not available at the facility's pharmacy which did not notify the provider so that new orders could be written.

Nevertheless, staff "inaccurately documented" in the MAR that the medication was administered to the resident. It was not in the facility.

WTVR-TV, 11/13/2024

## **US Court May Not Address Nursing Home's Claims**

A U.S. appeals court panel may punt on a nursing home operator's claim that NLRB administrative judges are insulated from removal in violation of the U.S. Constitution.

CareOne claims that NLRB administrative law judges, who can only be removed for cause after a hearing process, should instead be subject to at-will removal by the president.

An Appeals Court 3-judge panel had refused to block an NLRB case against the company and six of its Connecticut facilities.

Reuters, 11/12/2024

## **THE TRENCHES – COVID-19 & Other Outbreaks in in the U.S. and the World**

**AMERICA:** COVID-19 activity is stable and declining in most areas. Wastewater SARS-CoV-2 levels remain low and are highest in the Midwest. Tracking by WastewaterSCAN, a national wastewater monitoring system based at Stanford University in partnership with Emory University, shows virus detections in the low category, with a downward trend over the past 3 weeks (*CDC*).

**UNITED KINGDOM:** Vaccination and other interventions to prevent respiratory syncytial virus (RSV) infection could help reduce antibiotic prescribing and help decrease antibiotic resistance. A research team from the UK Health Security Agency (HSA), Imperial College London, and Oxford University found that between 2015 and 2018 about 2.1% of antibiotic prescriptions over that period were connected to RSV diagnosis, with the largest number in people older than 75 and the highest prescribing rate in infants (*medRxiv*).

**AMERICA:** Zoom, a company that rose to prominence during the COVID-19 pandemic, is looking to expand its presence in healthcare through artificial intelligence. The company recently announced plans to incorporate ambient AI documentation technology from digital health company Suki in its clinical platform. Zoom plans to use the ambient AI technology, which turns a recording of a doctor-patient conversation into usable clinical notes in the electronic health record, for virtual and in-person visits (*Modern Healthcare*).

**THE WORLD:** A new research tool named FlowBEAT, links self-targeting antibodies in the airways and nose to milder cases of COVID-19 and more efficient recovery in patients. The study is based on findings from 125 participants with varying levels of COVID-19 (from mild to severe) for up to 2 years. The participants who had mild to moderate courses of illness had higher levels of autoantibodies in the nose. Based on that, scientists believe a nasal swab could help predict disease severity (*Science Translational Medicine*).

**AMERICA:** Results from a randomized control trial show that participants who

received mRNA COVID-19 and inactivated influenza vaccines simultaneously had no more adverse effects than those who received the two shots 1 or 2 weeks apart. All participants were ages 5 years and older and intended to receive both flu and mRNA COVID-19 vaccines. The average age of participants was 33.4 years, and 63% were female (*JAMA Network Open*).

**SOUTH AFRICA:** Although 1.2 million children globally develop TB disease every year, and roughly 200,000 die from it, few studies have investigated the risk of developing TB during childhood. Now a study in South Africa has found that approximately 15% to 20% of all TB cases in South Africa, which has one of the highest TB incidence rates in the world, are likely to occur in children – 10% of them before age ten (*The Lancet Child & Adolescent Health*).

**EUROPE/ AMERICA:** Four US cases of an emerging, sexually transmitted fungal infection have been reported. The infections were caused by *Trichophyton mentagrophytes* type VII (TMVII), a sexually transmitted fungus that causes genital tinea (ringworm). TMVII infections have previously been reported in patients who had contact with sex workers in Southeast Asia and men who have sex with men in France. The first US case was reported in June in a man who reported sexual contact with multiple men while traveling in Europe and California (*CDC Morbidity and Mortality Weekly Report*).

**CANADA:** A University of Calgary–led research team compared neurodevelopmental outcomes among 96 children prenatally exposed to SARS-CoV-2 infection in utero with those of 800 unexposed children during the first 2 years of life. The study of children exposed to COVID-19 before birth found no adverse neurodevelopmental outcomes by 2 years and a slight increase in parent-reported infant self-regulatory behavior—a generally positive finding—at 6 months (*CIDRAP*).

**CALIFORNIA:** Unvaccinated children are at a much higher risk of developing multisystem inflammatory syndrome in children (MIS-C) than if they were vaccinated with two doses of Pfizer's mRNA COVID vaccine before contracting COVID-19. The protection was most notable in children ages 12 to 17, where even one dose of vaccine offered strong protection against developing the severe condition in which 1%–2% die (*CIDRAP*).

**AFRICA:** The African CDC has announced the launch of a trial of the antiviral smallpox drug *brincidofovir* for the treatment of mpox. The trial will be conducted in the Democratic Republic of the Congo in partnership with Emergent BioSolutions. Over 50,000 cases of mpox have now been identified across the continent (*Africa Centres for Disease Control and Prevention*).

**AMERICA:** The FDA has authorized the first at-home influenza and COVID-19 combination test. Individuals experiencing respiratory symptoms can receive the Healgen Rapid Check COVID-19/Flu A&B Antigen Test over the counter. The nasal swab delivers results within 15 minutes and correctly identifies at least 99% of negative samples. It also delivers accurate positive test results for 92% of COVID-19 samples, 93% of influenza A samples, and 91% of influenza B samples (*JAMA Network*).

**THE WORLD:** UN environment chief Inger Andersen says Nature is sending us a message with the coronavirus pandemic and the ongoing climate crisis. Andersen said that by not taking care of the planet, we have not taken care of ourselves. Leading scientists also said the Covid-19 outbreak was a "clear warning shot", given that far deadlier diseases existed in wildlife, and that today's civilization was "playing with fire" (*The Guardian*).

### **COVID-19, 11/15/2024**

**World Total Cases**  
776,754,317

**World Total Deaths**  
7,073,466

**U.S. Total Deaths**  
1,206,141

WHO

## **Whistleblower Nets \$225K In Pandemic Incident**

A former Director of Nursing at Glendale Home in Schenectady, NY has been paid \$225,000 to settle her lawsuit alleging she was fired without cause three years ago after filing an internal complaint about the medical director's instructions to staff to suspend giving residents "unnecessary" medications during the coronavirus pandemic.

The directive had allegedly been done as a cost-savings measure and due to a staffing shortage,

Kathryn Valley's lawsuit accused the medical director, Dr. Ali Mirza, of berating her in a phone call and wrongly accusing her of ordering hospice care for a resident, which was considered a costly service.

Times Union, 11/14/2024

## **Palliative Care is Good - Rarely Offered to Patients**

Although palliative care has been shown to improve quality of life for patients with severe illnesses, two studies from St. Louis University researchers indicate it's not offered frequently to patients who may benefit from it.

Palliative care is treatment that helps manage side effects, symptoms and mental health issues for people with severe illnesses.

One study, in the *Journal of the American Heart Association*, found that fewer than one in five patients newly diagnosed with heart failure received palliative care consultations. Another, in the journal *Healthcare*, found only one in four newly diagnosed pancreatic cancer patients had consultations.

St. Louis Public Radio, 11/14/2024

## **Six Weeks Until New Rates Whatever They Are**

Maine nursing homes are in limbo less than two months before the state rolls out a new Medicaid reimbursement system.

What's the problem? They still don't know what their reimbursement rates will be.

Bangor Daily News, 11/14/2024

What operators do know is they'll receive a base rate of \$232.01 PPD, based on a presumed 4.44 hours of direct care PPD.

Facilities with resident who need a high=level of care will be more.

Nursing homes will also be reimbursed for routine costs, such as food, utilities and laundry, and at a rate of \$137.20 per day.

McKnight's, 11/12/2024

## **They Fought It - Now They Embrace It**

The owners of a financially and legally troubled New York SNF are now seeking receivership. Just a year ago they were fighting it.

Cold Spring Hills Center for Nursing & Rehabilitation in Woodbury has asked the state to initiate receivership proceedings.

A potential new owner has submitted an application to be appointed as the receiver.

In August 2023 employees of the 606-bed facility, and 1199SEIU union representatives, asked the state to place it in receivership, because employees claimed they were wrongfully stripped of their healthcare benefits.

Newsday, 11/12/2024

## **Maine Developer Scales Back Long-Term Care Plan**

A developer has lessened plans for a long-term care facility in the mid-coast town of Damariscotta.

Sandy River Co. had originally hoped to build a 102-bed nursing home but withdrew that project last year due to rising costs.

It has now gone back to the town with a proposal for a smaller 70-bed assisted living facility.

That will not help Maine's nursing home problem. In the last three decades 40% of the states SNFs (50 facilities) have closed.

## **ONE COLUMN**

### **Fewer Than 20% Get Top Ranking from U.S. News**

Out of more than 15,000 nursing homes in the country, fewer than 20% made the list of "Best Nursing Homes" in *U.S. News & World Report's 2025 Best Nursing Homes* rankings.

Nearly half of nursing homes didn't comply with federal regulation to provide at least eight registered nurse staffing hours every day of the year. The average nursing home had 15 days of inadequate staffing.

The best short-term rehabilitation facilities had an average of 50% more total nursing care per resident and 50% more resident discharges than those rated below average.

For long-term care, those considered the best had double the staff retention rate of nursing homes when compared to underperforming long-term care facilities.

Retention was a new measure this year when calculating ratings, defined as a percent of staff who remained after one year.

Another new measure for this year's ratings was health deficiencies, determined by state inspectors who assess whether a facility has met the required standards of nursing home care.

U.S. News said more frequent, broader scope, and more severe deficiencies indicate an environment that may be detrimental to the safety of residents.

The ratings reveal significant disparity in multiple facets of nursing home care, referring to performance gaps when it comes to successful discharge rates, antipsychotic prescription rates, and nurse staffing numbers.

High performing long-term care operators gave residents antipsychotic medications 46% less of the time, as opposed to poor-performing long-term care operators.

Another long-term care finding of note: residents at high-performing facilities were more than 60% less likely to require emergency department care compared to those rated below average.

Skilled Nursing News, 11/12/2024

## **LTC's Future in Trump Era is a "Coin Flip"**

In a webinar during the week, Jeremy Stroiman, CEO of Evans Senior Investments (ESI) said what happens post-election is a "coin flip."

His investment banking firm specializes in selling senior living communities and nursing homes.

Hank Fuller, Director of Evaluations at ESI noted President-elect Donald Trump's victory is a "huge win for both industries" in regard to staffing.

Trump has pledged to deport 10-to-20 million undocumented immigrants, but Fuller said the long-term care industry typically does not have much exposure to undocumented immigrants, so those plans won't have a direct effect on the industry.

*Senior Living, 11/14/2024*

## **LTC Chain Denies NLRB Claim It Coerced Foreign Staff**

An NLRB complaint cites CommuniCare a provider with operations in five states, alleging the company coerced immigrant workers into staying with the company under the threat of legal and financial action.

Five foreign CommuniCare employees were recruited in 2020 in exchange for permanent legal status and \$16,000 in relocation assistance.

The cost was to be forgiven on a prorated basis over three years, the employees agreed to repay unforgiven costs in the event they left the company.

But after four months, all the employees had left, triggering the company to sue the group for breach of contract.

*Pittsburgh Post-Gazette, 11/11/2024*

## **Assie Cop on Trial In Death of a Tasered Resident**

An Australian Police offer is on trial in the death of a 95-year-old resident using a walker.

Constable Kristian James Samuel White is accused of the manslaughter of Clare Nowland, who died in May 2023 after being tasered by White.

Nowland had been threatening others with a serrated steak knife in one hand while supporting herself on her walker with the other hand when White discharged the Taser to disarm her.

Nowland died a week later from a head injury caused by the fall from being tasered.

*McKnight's, 11/12/2024*

## **Georgia ALF Resident Walked Away and Died**

An 89-year-old resident of Greenwood Place, an assisted living facility in Marietta, Georgia, was found dead in a creek about a half-mile from the facility.

Patricia Miele disappeared from the ALF last weekend. Police conducted a search, asked neighbors to watch for her and to check their security cameras.

Her body was discovered floating in a creek that runs through Kennesaw Memorial Park on Monday by a couple walking in the area.

Police said that area had been searched several times including by dive teams.

Foul play is not suspected.

*WXIA-TV, 11/12/2024*

## **Nursing Home Value-Based Participation Moving Slowly**

In 2021 CMS set a goal of having all Medicare beneficiaries in some type of value-based care relationship by 2030.

Three years later skilled nursing providers continue to be underrepresented in the transition.

Recently CMS reported strong 2023 performance metrics for many of the participants in its SNF-friendly ACO Reach model.

Of 83 Reach ACOs with at least two years of participation, 24 – more than one-third – earned an additional financial benefit in 2023 by scoring into a "High Performers Pool."

Overall, the model saved providers \$948 million, and CMS saved nearly \$700 million – an improvement over 2022.

*McKnight's, 11/15/2024*

## **Briefly in the News**

The greatest number of best nursing homes, according to the *U.S. News & World Report* rankings, were in these ten metropolitan areas: Boston; Chicago; Miami-Fort Lauderdale; Minneapolis-St. Paul; New York, NY; Philadelphia; Phoenix; San Diego; San Francisco-Oakland; and Washington, DC (***Skilled Nursing News***).

In 2022, 288,436 deaths among U.S. adults age 65 and older were attributed to dementia as the underlying cause of death. These deaths include vascular dementia, unspecified dementia, Alzheimer disease, and other degenerative diseases of nervous system (including Lewy body dementia) (1). Compared with earlier years, dementia mortality increased in 2020, the first year of the COVID-19 pandemic in the United States (***CDC National Center for Health Statistics***).

The weight loss drugs Ozempic and Wegovy may be beneficial for people struggling with alcohol addiction. The study examined about 228,000 people in Sweden who had alcohol use disorder and Type 2 diabetes. The people who were taking drugs like *semaglutide* (*Wegovy*) were less likely to be hospitalized for alcohol-related issues (***The Hill***).

Sonida Senior Living has expanded its portfolio by 30% over the past six months by acquiring 19 senior living communities, including 10 communities so far in the fourth quarter. Overall, the company received \$67 million in revenue from residents in the third quarter compared with \$59.1 million in the same quarter of 2023, an increase of 13.4% (***Senior Living***).

Oklahoma Human Services has released data revealing significant progress in reducing the waitlist for Developmental Disabilities Services (DDS) from 13 years to just two. The Oklahoma Legislature in 2022 divided more than 5,000 applicants into seven groups and processed applications based on the date each applicant joined the 13-year waitlist. To date, 2,036 families are approved or receiving services (***Oklahoma Human Services***).